

REMARKS/ARGUMENTS

Favorable reconsideration of this Application, in light of the following discussion, is respectfully requested.

Claims 5-7 and 16 are pending in the present application.

In the outstanding Office Action, Claims 6 and 16 were rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over Claims 1 and 2 of U.S. Patent No. 6,707,105; and Claims 5 and 7 were objected to for depending upon a rejected base claim, but were otherwise indicated to include allowable subject matter.

Applicants thank the Examiner for the indication of allowable subject matter.

With respect to the rejections based on non-statutory double patenting, Applicants respectfully submit that Claims 6 and 16 are patentably distinct from the claims of U.S. Patent No. 6,707,105.

However, to expedite progress toward allowance, a Terminal Disclaimer is filed herewith. Thus, Applicant submits the outstanding rejections of the claims have been overcome.

The filing of a Terminal Disclaimer to obviate a rejection based on nonstatutory double patenting is not an admission of the propriety of the rejection. The "filing of a Terminal Disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection." Quad Environmental Technologies Corp. v. Union Sanitary District, 946 F.2d 870, 20 U.S.P.Q.2d 1392 (Fed. Cir. 1991). Accordingly, Applicants filing of the attached disclaimer is provided for facilitating a timely resolution to prosecution only, and should not be interpreted as an admission as to the merits of the obviated rejection.

*Application No. 10/713,044

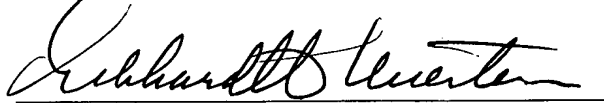
Reply to Office Action of November 16, 2005

Accordingly, in view of the previous discussion, no further issues are believed to be outstanding and the present application is believed to be in condition for formal allowance.

An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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